Dated 21st September 1971.

No. GAD 78 INS 71. In the judgement of the Mysore High Court dated 28th June 1971 on Writ Petition No. 2904 of 1970 (Shri R. Sudhakaran *Vs.* Union of India and others) (vide Annexure), relating to the Final Inter State Seniority list of non-gazetted officers of the Industries and Commerce Department published in the *Mysore Gazette*, dated 3rd February 1968 under Notification No. GAD 209 INS 67, dated 30th January 1968 the Court has held that the case attracts the principles enunciated by the Supreme Court in the case of Union of India *Vs.* P. K. Roy-A I.R. 1963 Supreme Court 850, and therefore has issued a Writ quashing the ranks assigned to the petitioner and directing the Union Government to reconsider his case and assign to him the correct rank in the Final Inter State Seniority list after giving opportunity to him and such other persons as may be affected by the ultimate decision of the Union Government to make representations.

2 As instructed by the Government of India, it is notified for the information of all concerned, that representations in terms of the directions of the Court may be submitted in *S x Se's* within a month from the date of publication of this Notification in the *Mysore Gazette*, addressed to the Secretary to the Government of India, Department of Personnel, Cabinet Secretariat, New Delhi, through the Director of Industries and Commerce, Bangalore for consideration and disposal by the Government of India in terms of the directions of the High Court of Mysore.

By Order and in the name of the President of India,

B. P. PATIL,
Dy. Secy., to Govt., G.A.D.,
(Integration)

ANNEXURE

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 28th day of June 1971

PRESENT

The Hon'ble Mr. A. Narayana Pai Chief Justice,

And

The Hon'ble Mr. Justice M. S. Nesargi.

Writ Petition No. 2904 of 1970.

R. Sudhakaran, Coir Expert, Office of the Director of Industries and Commerce, Bangalore. *Petitioner.*

(By Sri M. Rama Jois for Sri Murlidhar Rao).

... *Vs.* ...

The State of Mysore, by its Chief Secretary, Vidhana Soudha, Bangalore-1.

The Joint Director (Administration) Department of Industries and Commerce, Bangalore-1.

The Union of India, by its Secretary, Ministry of Home Affairs, New Delhi.

Sriyuths.—

N. V. Avalappa, R. Ramachandra Setty, Puttamuddappa, K. V. Lakshmanaswamy Iyer, B. Venkatesh Rao, B. A. Anne Gowda, Anwar Mirsa, R. S. Gopinath, K. Vittal Shetty, M. P. Naniah, Soppana Chilla, Smt. Hanumanthamma. *Respondents*

(By Sri K. S. Puttaswamy, H.C.C.P. for Respondents 1 and 2. Sri B. Ramachandra Rao, Sr. Standing Counsel Central Government for Respondent No 3)

Writ petition under Article 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein, this Court may be pleased to quash the memo dated 14th July 1970 in ADMN/EMS/E2/856/68-69 issued by the Joint Director, Department of Industries and Commerce, Bangalore the 2nd respondent etc,

The writ petition coming on for hearing this day, Chief Justice made the following.

ORDER

It is conceded on behalf of the respondent the Union Government and the State Government through a memo filed on behalf of the State Government that this is a case which attracts the principles enuniated by the Supreme Court in the case of Union of India *Vs.* P. K Roy-A.I.R. Supreme Court 850.

2 We therefore issue a writ quashing the ranks assigned to the petitioner and direct the Union Government to reconsider his case and assign to him the correct rank in the Final Inter State Seniority list after giving opportunity to him and such other persons as may be affected by the ultimate decision of the Union Government to make representations. Time Six months.

3 Regarding the claim for review of promotions the prayer does not survive in view of the decision of this Court in Kyathe Gowda *Vs.* State of Mysore reported in 1970 (2) Mysore Law Journal 407.

NARAYANA PAI,
Chief Justice.
M. S. NESARGI, *Judge.*

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